

THE LAWS OF HAMMURABI IN THE FIRST MILLENNIUM

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Since M. Finet is the author of what seems to be the most recently printed translation of the laws of Hammurabi into a modern language⁽¹⁾ it is appropriate to present in his honour here some new information about the use of this text in the first millennium B.C. It is of course common knowledge that the code was copied out by Babylonian and Assyrian scribes over the centuries until cuneiform learning died out, but it was as a work of literature rather than as a practical law book that it persisted. It is possible to find a few cases in Old Babylonian documents where the code may be alluded to as a legal authority⁽²⁾, but after the fall of Hammurabi's dynasty it no longer served that function, but became an authoritative literary work of tradition, to be quoted for non-legal ends.

(i)

Hammurabi's Code in a Late Assyrian Catalogue

In the *Kramer Anniversary Volume (AOAT 25, 1976)* 313-318 the writer published three pieces of a Late Assyrian catalogue of library texts, apparently from the same tablet. Various texts are listed in groups, each group followed by a personal name, and it was suggested that the material concerned the formation of Aššurbanipal's library. This idea has been supported by S. Parpola's publication, in *JNES* 42 (1983), 1-24, of the remains of three Late Assyrian tablets of the same general content, but from a different scribe. They offer groups of sundry library tablets (often not whole series but only some tablets from them) above the names of scribes contemporary with the writing of these three tablets. Two are dated shortly after Aššurbanipal's defeat of Šamaš-šuma-ukīn in Babylon. Parpola convincingly argues that Aššurbanipal used this occasion of the fall of Babylon to enrich his library from Babylonian sources. It may be added that history was repeated. Tukulti-Ninurta I some six centuries earlier similarly used his defeat of Kaštiliaš to bring some of the riches of Babylonian libraries to Assyria⁽³⁾. Thus Parpola's important discoveries confirm the suggestion that the two persons mentioned in the three pieces were scribes living in the reign of Aššurbanipal.

A fourth fragment of this catalogue has since been identified by the writer, K 10128+19757, published here by kind permission of the Trustees of the British Museum. It is from the left-hand edge of the tablet:

K. 10128+19757

1	[... x x (x)] x (x) [...]
2	[...] <i>ki-ṇ[a-a'-a']-tu</i> [...]
3	[...] <i>u]4.me.da u4.s[u.ud.da]</i>
4	<i>mar-ša-a-ti šá IGI i-x[i/a]t/s[i</i> ...
5	<i>šarru ana di-nim [la i-qúl]</i>
6	<i>i-te-zi-iz</i> [...]
7	<i>nam zi tar.[ra]</i>
8	[...]
9	1: <i>di-na-a-ni šá ha-am-m[u-ra-bi</i> (...)]
10	<i>ina</i> ^{u4} <i>ab.ba.[è</i> ...]
11	<i>ina</i> ^{u4} <i>maš.[dà.kù</i> (...)]
12	<i>e be n[i]? x</i> [...]
13	1: <i>tu x</i> [...]
14	1: <i>x</i> [...]
15	1: [...]

Translation

2	[...] Regular rites [...]
3	[...] From many days, from former days
4	Sick women who/Trouble which ... [...]
5	If a king [does not heed] justice
6	There became angry [...]
7	Endowed with a good destiny/Namzitarra
8	[...]
9	1: Laws of Hammurabi [...]
10	In the month Abba'e [...]
11	In the month Mašdaku [...]

⁽¹⁾ A. Finet, *Le Code de Hammurapi* (Les Éditions du Cerf, Paris 1973), anonymous reprint: *Code de Hammurabi* (Dar Al-Ma'mun, Baghdad 1987).

⁽²⁾ For two passages referring to a stele see F.R. Kraus, *Genava* 8 (1960) 292. For three passages alluding to laws of Hammurabi or something very like them, but calling them *šimdatum*, see O.R. Gurney, *WZKM* 77 (1987) 197f. Though *AbB X 6* does not use any term to identify the source alluded to, it argues for the rights of a *nađitu* in words which summarise law 178 of Hammurabi. Since the letter is from Sippar (see p. xv) and the *nađitu* in question presents her point as a discovery of her rights and threatens to go to the judges, this is perhaps the best case so far where Hammurabi's laws are probably alluded to.

⁽³⁾ W.G. Lambert, *AfO* 18 (1957-58) 44 rev. 2ff.

12 ...[...
 13 1: ..[...
 14 1: .[...
 15 1: [...

Notes on individual texts:

2. This was apparently the first word of the ritual tablet of the Love Lyrics (the writer apud H. Goedicke and J.J.M. Roberts (eds.), *Unity and Diversity* p. 106 iv 4, cf. p. 98) and may therefore as an incipit be the title for the Love Lyrics as a whole.

3. This is presumably what appears in the Catalogue of Texts and Authors vi 9: u₄.me.da u₄.su.ud.da u₄.ri.a.ta: šá pi-i^m-é-kur-dumu-nun-na mār [...] (*JCS* 16 (1962) 66), either a Sumerian or a bilingual text.

5. This is the Advice to a Prince (BWL pp. 110-115), on which see E. Reiner, *Societies and Languages of the Ancient Near East. Studies in Honour of I.M. Diakonoff* (1982), pp. 320ff.

6. This reads abruptly for an incipit, but the Labbu Myth also begins with a verb in the perfect: i-ta-an-ġu (CT 13 33 1).

7. This line may describe a deity or a ruler, but there is a Sumerian personal name Namziarra, and a Sumerian short story about such a person and beginning with his name (see M. Civil, *AFO* 25 (1974-77) 65ff.), of which M. Geller kindly reminded me. There could have been a late edition of a Sumerian or bilingual tablet or series which began with this story and which is cited here.

9. The stele itself describes Hammurabi's laws as *dīnānu* (xl 1), but the masc. pl. is also used in a colophon from Aššurbanipal's library: [dub].5.kam di-na-a-ni [...] šá ha-am-mu-ra-bi (CT 13 47). The squeezing of the signs in the line under discussion suggests that something more than the name occurred, perhaps lugal or lugal e^{ti}.

10-11. Note how the first of these two lines uses the standard Sumerian month name for Tebē, while the second is from the calendar of Ur, also used in the Diyala region, see *RLA* V 300.

The biggest problem of this piece concerns the use of DIŠ followed by a «glossenkeil» of two diagonal wedges, like a small GAM, which presumably indicated that something is to be repeated from a missing earlier line. The same occurs on K 13684+, and is to be restored in part seven times on K 14067+, two other pieces of this catalogue. S. Parpola, op.cit. p. 28, proposed that a word for «writing board» must be understood, since «1» is too few if «tablet» were meant. However, this suggestion creates a problem with K 14067+ 13, which after [DIŠ]GAM lists Šumma ālu (107 tablets), Iqur ipuš (7 or 10 tablets apparently) and apocryphal matter and commentaries (an unknown number of tablets). This is surely too much to have been contained within one set of writing boards. It would have been too big and heavy. Unlike the three tablets reconstructed by Parpola this catalogue seems to include only complete sets of each text named. Thus the DIŠGAM must indicate something other than «writing board», perhaps groups of tablets or writing boards of the same format, or by the same scribe.

The persons named (one name must be missing at the end of the otherwise blank line 8 of K 10182+) were presumably the previous owners or the suppliers of the texts listed. Thus we have evidence of, apparently, Aššurbanipal's acquiring a set of tablets or a writing board with Hammurabi's laws. But he certainly owned other sets of the same text⁽⁴⁾.

(ii)

A Piece of a Commentary
 on the Laws of Hammurabi

BM 59739 (82-7-14, 4149) (from Babylon?) is a small fragment from the upper left-hand part of a Late Babylonian tablet, and has been identified by the writer as a commentary on the laws of Hammurabi. In itself it does not aid the comprehension of the text since it is so small, and what is left tells us nothing we did not know before, but it is important as proving that the laws of Hammurabi were studied in late times to such a level that a commentary was compiled. So far as preserved and intelligible it is restricted to simple philological explanations of a kind well known from other commentaries. The obverse covers laws 2-3 and the reverse ends dealing with laws 23 and 25. No doubt the other laws were also covered in other tablets, and to have dealt with total of some 300 laws must have taken up many tablets unless less attention was given to the later laws. The title (i.e. the incipit) given in the colophon «If [a man ...]» is the first law, not the first phrase of the prologue, so this commentary was restricted to the actual laws. This fact need not be taken to imply that in later times Hammurabi's laws circulated without prologue or epilogue, but only that in the edition being commented on the laws began a new tablet in the series. There is a parallel in the commentary on Tablet VII of Enūma Eliš. Though there was a commentary dealing with all seven tablets of this text, there was one in a very distinct style dealing with Marduk's names as given in Tablet VII only⁽⁵⁾. The famous fifty names in fact begin in Tablet VI,

⁽⁴⁾ S. Parpola, op.cit. p. 27f., proposed that K 5184 also belongs to this same catalogue tablet as the pieces now numbering four. However, this is not so. Clay and hand are not especially similar, and though the material on K 5184 is also, it seems, library texts, the arrangement is so different that it cannot belong to the other four pieces. First, four vertical rules are used on K 5184 to help separate columns, but only three on the four pieces. And the four rules were made with a perfectly smooth thing, whether a metal wire or an actual ruler, while the three rules on the four pieces were made with a twined thread, the twining of which is always clear. As to the name of the scribe on Rm 150, it must be read ^mIBILA-a. There are, it is true, wedges immediately before -a which constitute the sign i, but they are not so deep as the -a, and they are smudged, and so to be taken as erased. When the tablet was copied they were covered with hard salt.

⁽⁵⁾ See J. Bottéro, *Memoirs of the Connecticut Academy of Arts and Sciences* XIX (Dec. 1977) 5-28.

but the commentator seemingly was unwilling to begin his comments in the middle of a tablet, so began with the tenth name, with which Tablet VII begins. This fragment on Hammurabi's laws, which was drawn to my attention by I.L. Finkel and is published by gracious consent of the Trustees of the British Museum, is given in copy, transliteration, translation (where possible), and brief notes alluding to other places where the same equivalences are used either in commentaries or in Malku = šarru.

BM 59739 (82-7-14, 4149)

Obv. 1 (traces)
 2 . . .] dī?: ká.ká: x [. . .
 3 . . .] x be: ⁴id: na-a-ri [: . . .
 4 . . . ⁵ik-ta]-šad-su: SAR: ka-ša-du [: . . .
 5 . . . ⁶ī-na dī-i-ni: KU⁷: i-[na . . .
 6 . . .] x-ri: šī-bu-tu: x [. . .
 7 (traces)

* * * * *

Rev. 1 (traces)
 2 . . . ³hab?-b]a?-tu: d[a?-a?-?]-ku? . . .
 3 . . . ⁴ra-b]a-an-nu: ⁵ha-za-nu: x [. . .
 4 . . . KI: er-še-tim: KI: qa-q-qar: [. . .
 5 . . . nu-ma]-at: ú-na-a-tú: [. . .

6 [(.) ša-a-t]ú šu-ut pí šá šum-m[a a-me-lu . . .
 7 (traces)

Obv. 2 . . .] . gates . [. . .
 3 . . .] . Id means 'river' [. . .
 4 . . .] «overcomes him»: SAR means 'overcome' [. . .
 5 . . .] «in a lawsuit»: EŠ means 'in' [. . .
 6 . . .] . «witness» . [. . .

* * * * *

Rev. 2 . . .] «robber»(?) means 'cut-[throat'] . . .
 3 . . .] «chief» means 'mayor' . [. . .
 4 . . . KI] means «region», KI means 'district' [. . .
 5 . . .] «utensils» means 'equipment' [. . .
 6 . . .] Extracts and comments on *If [a man . . .*

Obv. 3-4 deals with § 2 (3 cites l. 39, but is hardly proof that id here is to be read *nāru*. 4 cites l. 43).

5-6 deals with § 3 (5 cites l. 58; 6 l. 59; the explanation in 5 is related to Ea I 180-181, see *MSL* XIV 186 and note variants).

Rev. 2-4 deals with § 23 (if correctly restored, 2 cites l. 28, cf. Malku = šarru I 99; 3 cites l. 38, cf. *TCS* IV 232 12'; 4 comments on *eršetu* in l. 39, equating it with *qaqqaru*).
 5 deals with § 25 and cites l. 60, cf. H. Hunger, *STU* I 53 9.

(iii)

A Citation of Hammurabi's Code in an Expository Text

BM 32574 (76-11-17, 2317) was published in copy by L.W. King, *STC* I 216-217, who also quoted extracts in transliteration and translation. About half of the width of the tablet is preserved, and this raises the question whether the complete tablet had one or two columns each side. The second alternative seems likely, but so far the present writer has failed to restore any line convincingly, so more than one or two signs must be missing from each line. As a result only details of the arguments being developed can be grasped. The text is certainly of a learned type which makes frequent citations from the literary corpus⁽⁶⁾. The following citations have been identified:

Obv. 1a: Marduk's Address (*Afo* 19 (1960) pl. xxv, K 3349 obv. 18: read [a-ši-ir* kib-ra-a-ti).

Obv. 3: Enūma Eliš VII 5.

Obv. 5: incipit of Code of Hammurabi.

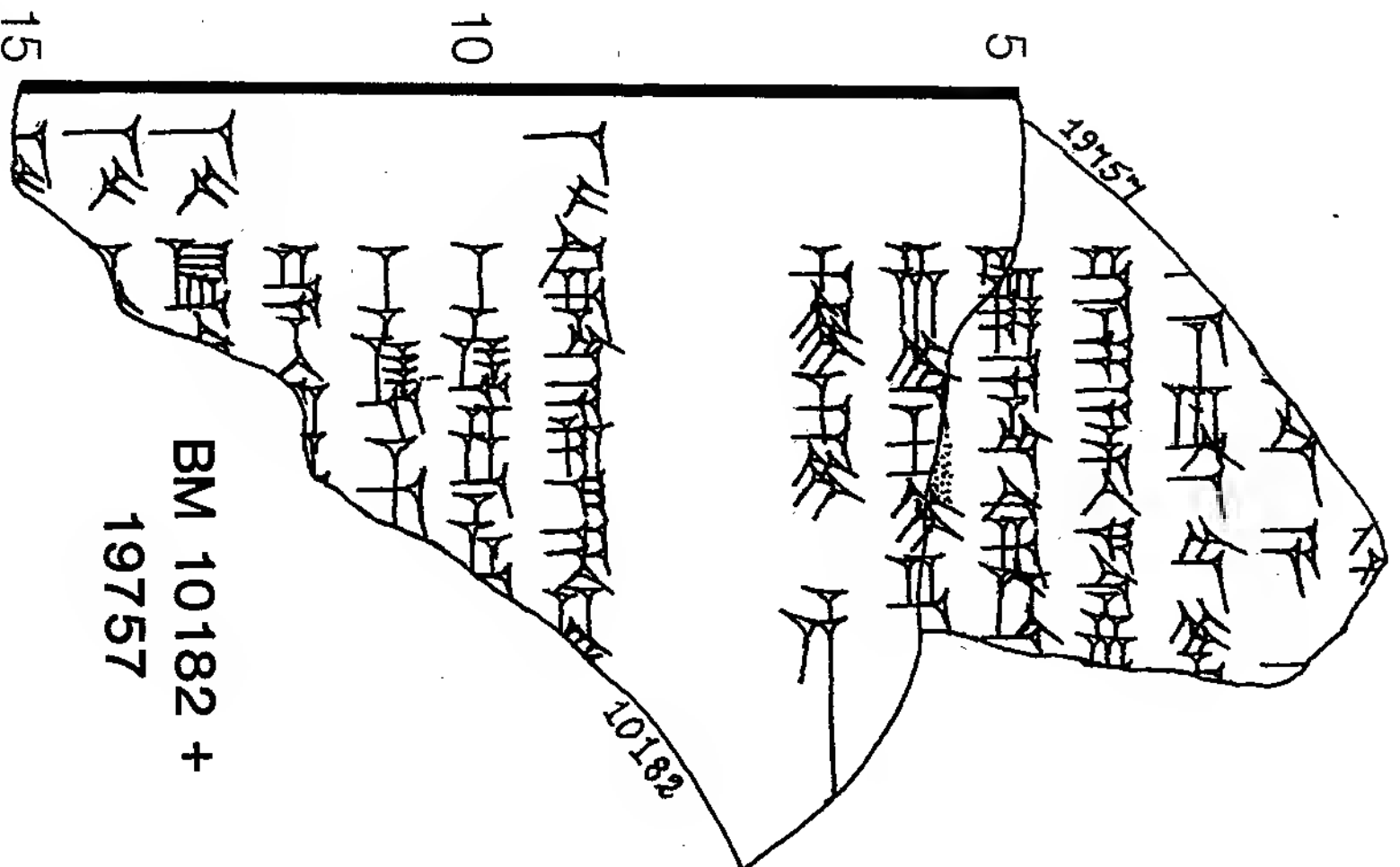
Obv. 9: Marduk Hymn No. 2, line 37 (*Afo* 19 (1960) 62).

Rev. 2: exposition of personal name from Ludlud bēl nēmeqi III 25.

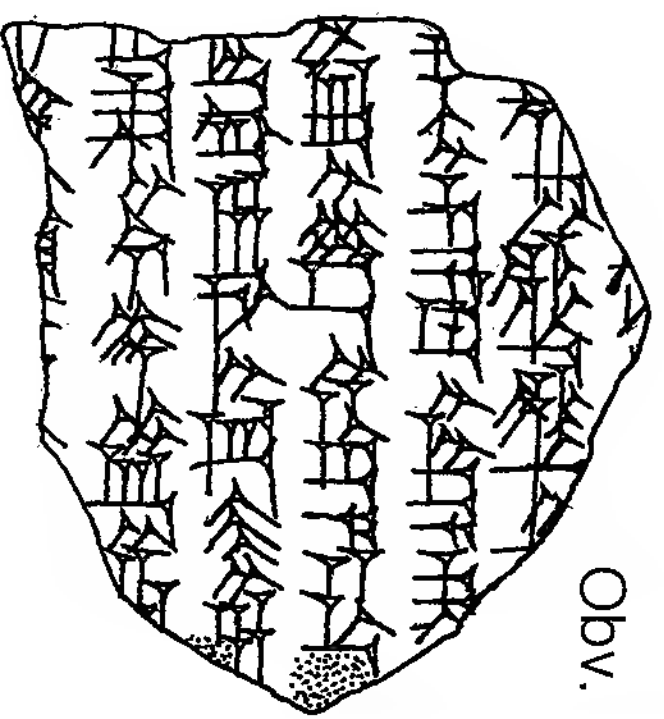
Rev. 6: *an-zu-ú im-ḥaṣ kap-pa-šú iš-bir* is not, it seems, from Tablet III of the Anzû Myth (see H.W.F. Saggs, *Afo* 33 (1986) 1ff.), where Ninurta «cut off his pinions» (*ú-nak-kis ab-re-e-šú*: p. 22 11), but since it is a perfect metrical line it is no doubt cited from some text.

Obv. 5 reads: *ina i-nu-um 'a-num ši-i-ri x x* [«in When Lofty Anu . . . [. . . ». Thus, so far from fulfilling Hammurabi's ideals of providing justice for every citizen, his Code later became a source book for learned scholars dealing with the more esoteric matters of Babylonian thought.

⁽⁶⁾ For texts of this category see A. Livingstone, *Mystical and Mythological Explanatory Works of Assyrian and Babylonian Scholars* (Oxford, 1986, reprint 1987). R. Borger in *BiOr* 30 (1973) 175 quoted a fragment of a Late Babylonian commentary, DT 113 rev. l: *a-ri[a] ana kiš-ša-tum sum-in*, as probably quoting CH § 117 or 118. This remains probable, but the text is not a commentary on the laws, and since the preceding and following lines are too broken to understand the matter is still not quite certain.



BM 10182 +
19757



BM 59739

